

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00088

ROBERT J. WARD

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On February 2 and 4, 2011, the United States of America appeared by William B. King, II, Assistant United States Attorney, and the defendant, Robert J. Ward, appeared in person and by his counsel, Lex A. Coleman, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Supervising United States Probation Officer Keith E. Zutaut, the defendant having commenced a three-year term of supervised release in this action on March 21, 2008, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on May 25, 2004.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respect: that the defendant violated federal and state law inasmuch as on October 20, 2010, the defendant sold approximately 122 grams of marijuana to a confidential informant, on October 27, 2010, sold approximately 244 grams of marijuana to a confidential informant and, subsequent to his arrest on that date, a search of his residence revealed approximately 312 grams of marijuana which he possessed with intent to distribute; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of ONE YEAR AND ONE DAY, to be followed by a term of two (2) years less one day of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and that the defendant participate in substance abuse and mental health treatment as directed by the probation officer.

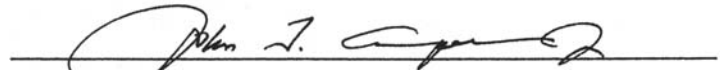
The defendant shall surrender for service of the sentence to the institution designated by the Bureau of Prisons by 2:00 p.m. on March 11, 2011.

After hearing the parties respecting bond, the court ORDERED that defendant remain on his previously executed bond with the added conditions that he (1) make himself available for cardiac treatment in accordance with the existing schedule and any schedule that may be developed, (2) continue participation in AA/NA meetings, (3) follow any direction given by the probation officer with respect to mental health treatment, and (4) submit to random, frequent urine screens as directed.

Recommendation: The court recommends that the defendant be designated to an institution as close to Charleston, West Virginia, as feasible where he can receive adequate medical care, and substance abuse and mental health treatment.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: February 4, 2011


John T. Copenhaver, Jr.
United States District Judge